

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**PHILIP CAPPS,**

**Plaintiff,**

**v.**

**INTERNATIONAL BUSINESS  
MACHINES CORPORATION,**

**Defendant.**

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**CASE NO. 1:19-CV-990**

**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure the Federal Rules of Civil Procedure, Plaintiff Philip Capps (“Plaintiff”) and Defendant International Business Machines Corporation (“Defendant”) (collectively, the “Parties”), file this Joint Stipulation of Dismissal with Prejudice (the “Stipulation”) and respectfully show the Court as follows in support of this Stipulation:

1. Plaintiff filed this lawsuit against Defendant (“Lawsuit”).
2. Plaintiff and Defendant have entered into a Settlement Agreement and General Release (“Settlement Agreement”).
3. Plaintiff no longer wishes to pursue the claims in this Lawsuit against Defendant, and Defendant has asserted no counterclaims in the Lawsuit against Plaintiff.
4. Plaintiff and Defendant agree that Plaintiff’s claims against Defendant in this Lawsuit should be dismissed with prejudice. Accordingly, Plaintiff and Defendant hereby stipulate to the dismissal of the Lawsuit with prejudice and respectfully request that the Court enter the Order Granting Joint Stipulation of Dismissal with Prejudice, attached as Exhibit 1 to this Stipulation, in acknowledgement of the

terms of the stipulated dismissal with prejudice, and close this Lawsuit.

5. A proposed order is filed herewith as Exhibit 1

Respectfully submitted,

By: /s/ Justin L. Jeter  
Justin L. Jeter  
State Bar No. 24012910  
Email: [justin@jetermelder.com](mailto:justin@jetermelder.com)

Jeter Melder, LLP  
1111 S. Akard Street, Suite 100  
Dallas, Texas 75215  
P: (214) 699-4758  
F: (214) 593-3663

**ATTORNEYS FOR PLAINTIFF**

By: /s/ Edward M. ("Ted") Smith  
Edward M. ("Ted") Smith  
State Bar No. 00791682  
tsmith@cornellsmith.com  
Andrew Broadaway  
State Bar No. 24082332  
abroadaway@cornellsmith.com  
Alan Lin  
State Bar No. 24085435  
alin@cornellsmith.com

Cornell Smith Mierl Brutocao Burton, LLP  
1607 West Avenue  
Austin, Texas 78701  
Telephone: (512) 328-1540  
Telecopy: (512) 328-1541

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 17, 2020, I electronically filed a true and correct copy of this document with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to all counsel of record.

/s/ Edward M. "Ted" Smith by Justin L. Jeter  
Edward M. "Ted" Smith